

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

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**MDL No. 1871
07-md-01871-CMR
HON. CYNTHIA M. RUFE**

**THIS DOCUMENT RELATES TO ALL
ACTIONS**

**TWELFTH REPORT AND RECOMMENDATION OF
THE SPECIAL MASTER AS TO MODIFICATION TO THE SCHEDULE FOR
INITIAL TRIAL POOL CASES**

In recognition that discovery and trial issues are most efficiently handled by the entry of pretrial orders, as stated in Pretrial Order No. 8, and in consultation with the parties, the Special Discovery Master recommends to the Court that the expert and summary judgment deadlines relating to the individual claims of plaintiffs in the first four cases selected by the parties for the Initial Trial Pool be slightly modified as follows:

SCHEDULING DEADLINES FOR INITIAL TRIAL POOL CASES

The deadlines set forth below shall apply to the following case selected for trial by the parties: Burford v. SmithKline Beecham Corporation, d/b/a GlaxoSmithKline (“GSK”), 2:07-CV-05360-CMR.

Plaintiffs’ Expert Reports Due: January 15, 2010

Defendant’s Expert Reports Due: March 23, 2010

Expert Depositions Completed: April 29, 2010

Daubert Motions Due: April 29, 2010

Summary Judgment Motions Due: April 29, 2010

The deadlines for the next three cases in the Initial Trial Pool will be as follows:

A. Arezzi v. GSK, 2:08-CV-00893-CMR.

1. Expert Reports and Discovery:

- a. Plaintiffs' expert reports will be due no later than January 22, 2010.
- b. Defendant's expert reports will be due no later than March 30, 2010.
- c. All expert depositions shall be completed no later than April 29, 2010.
- d. All *Daubert* motions shall be due no later than April 29, 2010.

2. Summary Judgment Motions: Summary judgment motions will be due no later than April 29, 2010.

B. Miller v. GSK, 2:08-CV-00912-CMR, and Gillespie v. GSK, 2:08-CV-00891-CMR.

1. Expert Reports and Discovery:

- a. Plaintiffs' expert reports will be due no later than March 13, 2010.
- b. Defendant's expert reports will be due no later than April 30, 2010.
- c. All expert depositions shall be completed no later than June 30, 2010.
- d. All *Daubert* motions shall be due no later than June 30, 2010.

2. Summary Judgment Motions: Summary judgment motions will be due no later than July 13, 2010.

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Pursuant to Pretrial Order Nos. 8 and 28, any party seeking to prevent this Report and Recommendation from taking effect must file with the Court an appeal in the form of a motion with the Court within ten (10) calendar days from the date this Report and Recommendation is filed with

the Court, setting forth the relief requested. If no appeal is filed with the Court within the ten (10) day period, this Report and Recommendation will be deemed to be accepted by all parties and the Court will enter an appropriate Order.

Dated: March 5, 2010

/s/ Jerome J. Shestack

Jerome J. Shestack, Special Master

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CERTIFICATE OF SERVICE

I, Bruce P. Merenstein, hereby certify that on March 5, 2010, I caused to be electronically filed the foregoing **Twelfth Report and Recommendation of the Special Master as to Modification to the Schedule for Initial Trial Pool Cases**. Through the Court's ECF system, this document is available for viewing and downloading.

/s/ Bruce P. Merenstein

Bruce P. Merenstein